



U.S. Department of Commerce
Patent and Trademark Office
Assistant Commissioner for Patents

Fax Cover Sheet

Date: July 21, 2003	
To: Scott Denker Angela Andrews	From: Kurth, LLP C.J. Arbes
Application/Control Number: 09/761210	Art Unit: 3729
Fax No.: 512-320-9292	Phone No.: (703) 308-1857
Voice No.: (512)-320-9259	Return Fax No:
Re:	CC:

☐ Urgent ☐ For Review ☐ For Comment ☐ For Reply ☒ Per Your Request

Comments: Per your Request for copy of Office Action mailed on or about August 27, 2002.

Number of pages 5 including this page

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Assistant Commissioner for Patents
Washington, DC 20231

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Washington, DC**Fax Cover Sheet**

From: J. Scott Denko Employee No.: 9593
Date: 7/21/2003 Matter No.: 145621 No. of pages (including cover sheet) 14
To: Ms. Cheryl Baylor
(Office of Petitions) Fax No.: 703.308.6916 Confirmation No.: _____

MessageFAX RECEIVED
JUL 21 2003
PETITIONS OFFICE**Confidentiality Note**

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Attorney Docket No. 254-080 *7-6***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/761,210

Title: Method of Manufacturing a Surface Mount Package

Inventor: Carmen Burns

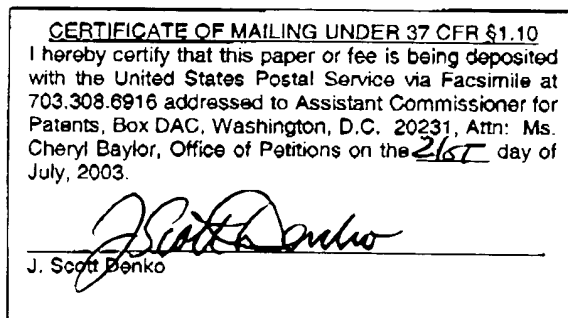
Filing Date: 01/16/01

Examiner: C. J. Arbes

Group: 3729

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231Attn: MS. CHERYL BAYLOR
OFFICE OF PETITIONS
Transmitted by Facsimile to: 703.308.6916

Tuesday, July 21, 2003

FAX RECEIVED
JUL 21 2003
PETITIONS OFFICE**PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(B)**

The Applicant respectfully petitions the U.S. Patent and Trademark Office to revive Non-Provisional Patent Application No. 09/761,210 under 37 C.F.R. 1.137(b).

The above-identified application became abandoned for failure to file a timely and proper reply to a restriction action from the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office action plus any extensions of time actually obtained.

THE APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

07/25/2003 CKHLOK 00000004 500897 09761210

01 FC:1453 1300.00 DA

PETITION FEE:

The Commissioner is hereby authorized to debit the firm Deposit Account No. 50-0897 in the amount of \$1300 for the Petition Fee applicable to this Petition (37 CFR 1.17(m)).

REPLY and EXTENSION OF TIME FEE

The Notice of Abandonment was mailed on June 18, 2003 and states as the cause failure to timely reply to the Office letter of August 24, 2002. A copy of the Notice is attached. The Applicant did not receive the Office action referred to until July 21, 2003 when the Applicant received a copy of said Office letter from the Examiner in response to Applicant's request for a copy of the Office action. The Office action referred to is a restriction requirement and as the cover of that actions shows, it was mailed on or about August 27, 2002. A copy of the August 27, 2002 Office action is enclosed herewith.

The reply to the Office action is enclosed herewith.

As to the Extension of Time, should the Petitions Examiner determine that a Petition for Extension of Time and an Extension Fee are required in this case, enclosed herewith is a Petition for Extension of Time and the Commissioner is hereby authorized to debit the firm Deposit Account No. 50-0897 in the amount of \$1,970.00 to cover the extension fee (large entity).

TERMINAL DISCLAIMER

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

STATEMENT


The entire delay in filing the required reply from the date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

SUMMARY

The Commissioner is hereby authorized to charge any fee deficiency or credit any fee overpayment to our deposit account 50-0897.

The Applicant respectfully requests an early decision on this Petition and appreciates the attention of the Petitions Office and the Petitions Examiner. The Applicant asks that the Decision on Petition be transmitted by facsimile to the Applicant's undersigned attorney at (512) 320-9292. The Applicant has filed a change of address in this matter. Should the Petitions Examiner have any questions upon which the Applicant's attorney may be able to provide assistance, a phone call to the Applicant's attorney at any of the phone numbers listed below would be welcome.

Respectfully submitted,

By: 
J. Scott Denko
Attorney for Applicant
Registration No. 37,606

ANDREWS KURTH, L.L.P.
111 Congress Ave., Suite 1700
Austin, Texas 78701-4069
(512) 320-9259 (office)
(512) 626-5595 (CELL)
(512) 320-9292 (facsimile)

Date: July 21, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,210	01/16/2001	Carmen D. Burns	D-5531/C1/CP1/D1	3002

7590

06/18/2003

J. Scott Denko
George & Donaldson, L.L.P.
1100 Norwood Tower
114 West 7th Street
Austin, TX 78701

EXAMINER

ARBES, CARL J

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUL 21 2003

PETITIONS OFFICE

Notice of Abandonment

Application No.

09/761,210

Examiner

C. J. Arbes

Applicant(s)

BURNS, CARMEN D.

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 August 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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JUL 21 2003

PETITIONS OFFICE

Cja
CARL J. ARBES
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



U.S. Department of Commerce
Patent and Trademark Office
Assistant Commissioner for Patents

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Date: July 21, 2003

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Application/Control Number: 09/761210	Art Unit: 3729
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,210	01/16/2001	Carmen D. Burns	D-5531/C1/CP1/D1	3002

7590 08/27/2002
J. Scott Denko
George & Donaldson, L.L.P.
1100 Norwood Tower
114 West 7th Street
Austin, TX 78701

EXAMINER

ARBES, CARL J

ART UNIT	PAPER NUMBER
3729	

DATE MAILED: 08/27/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUL 21 2003

PETITIONS OFFICE

Office Action Summary

Application No.

09/761,210

Applicant(s)

BURNS, CARMEN D

Examiner

C. J. Arbes

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-28 and 30-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 09/761,210
Art Unit: 3729

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-28 and 42, drawn to method of manufacturing a IC module, classified in class 29, subclass 830
- II. Claims 30-41 and 43, drawn to an IC module , classified in class 174, subclass ***.

The inventions are distinct, each from the other because:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case there is no need to have a positive mounting step for the product claims as there is for the process claims. That is the product could be made integrally, which is to say the packaged module could just as well be made integrally with the carrier or with another module.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/761,210
Art Unit: 3729

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Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to C. J. Arbes at telephone number (703)308-1857.


CARL J. ARBES
PRIMARY EXAMINER